

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

This document relates to:

Case No. 1:18-op-46136-DAP

Case No. 1:19-op-45913-DAP

Case No. 1:21-op-45092-DAP

Case No. 1:22-op-45025-DAP

MDL No. 2804

Hon. Dan Aaron Polster

**SETTLED DEFENDANTS' NOTICE OF CONSENT TO STAY OF MOTION  
TO DISMISS CLAIMS FILED BY NON-PARTICIPATING FLORIDA SUBDIVISIONS  
AS RELEASED BY THE ATTORNEY GENERAL PURSUANT TO SETTLEMENT**

On June 15, 2023, Settled Defendants filed a Motion to Dismiss the above-captioned four cases brought by Florida subdivision plaintiffs, on the ground that their claims were released by the Florida Attorney General pursuant to the Janssen and Distributor Global Settlements. (Doc. No. 5071.) On July 14, 2023, Plaintiffs Sarasota County Public Hospital District and Lee Memorial Health System filed an opposition to the Motion, arguing in part that the cases had been stayed by stipulation of the parties. (Doc. No. 5116.)

On July 17, 2023, the Court entered a minute order extending the stay pending resolution of the related appeal pending in Florida state court: "Stipulated Order [non-document] extending stay. Settled Defendants' motion to dismiss (doc. [5071]) will remain pending until the Florida Attorney General's declaratory relief action is resolved on appeal. The parties shall notify the Court of the final outcome of the Florida Attorney General's state court action."

Thereafter, also on July 17, 2023, Plaintiffs School Board of Miami-Dade County and Putnam County School Board filed an opposition to the Motion, asking this Court to stay resolution of the Motion or alternatively to transfer their cases to federal court in Florida “to help decide whether to defer ruling or decide the issue on the merits.” (Doc. No. 5118, at 16.) While Settled Defendants interpret the Court’s July 17 Order as staying the Motion with respect to all plaintiffs, including the School Boards, for the avoidance of doubt and clarity of the record, Settled Defendants do not oppose the School Boards’ request for a stay of the Motion to Dismiss. Because the School Boards only seek transfer to Florida federal court if a stay is not granted, their request for transfer will be mooted by a stay; but in any event Settled Defendants oppose such a transfer, which is unnecessary and contrary to the objectives of consolidating this litigation in the MDL.<sup>1</sup>

Dated: July 18, 2023

Respectfully submitted,

/s/ Robert A. Nicholas

Robert A. Nicholas  
Shannon E. McClure  
Joseph J. Mahady  
Anne R. Bohnet  
REED SMITH LLP  
Three Logan Square  
1717 Arch Street, Suite 3100  
Philadelphia, PA 19103  
Telephone: (215) 851-8100  
Fax: (215) 851-1420  
rnicholas@reedsmith.com  
smcclure@reedsmith.com  
jmahady@reedsmith.com  
abohnet@reedsmith.com

*Counsel for AmerisourceBergen Corporation*

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<sup>1</sup> Were the Court to consider the School Boards’ request for transfer, Settled Defendants respectfully request the opportunity to submit briefing setting forth the grounds to oppose transfer.

/s/ Enu A. Mainigi

Enu A. Mainigi  
Jennifer G. Wicht  
Steven Pyser  
Ashley Hardin  
WILLIAMS & CONNOLLY LLP  
725 Twelfth Street NW  
Washington, DC 20005  
(202) 434-5000 / tel.  
(202) 434-5029/ fax  
emainigi@wc.com

*Attorneys for Defendant Cardinal Health, Inc.*

/s/ Geoffrey E. Hobart

Geoffrey E. Hobart  
Timothy C. Hester  
Christian J. Pistilli  
COVINGTON & BURLING LLP  
One CityCenter  
850 Tenth Street NW  
Washington, DC 20001  
Tel: (202) 662-5281  
ghobart@cov.com  
thester@cov.com  
cpistilli@cov.com

*Counsel for Defendant McKesson  
Corporation*

/s/ Charles C. Lifland

Charles C. Lifland  
O'MELVENY & MYERS LLP  
400 South Hope Street  
Los Angeles, CA 90071  
Tel: (213) 430-6000  
Fax: (213) 430-6407  
clifland@omm.com

*Counsel for Defendants Johnson & Johnson;  
Janssen Pharmaceuticals, Inc.; Ortho-  
McNeil-Janssen Pharmaceuticals, Inc. n/k/a  
Janssen Pharmaceuticals, Inc.; and Janssen  
Pharmaceutica, Inc. n/k/a Janssen  
Pharmaceuticals, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that, on July 18, 2023, the Settled Defendants' Notice of Consent to Stay of Motion To Dismiss Claims Filed By Non-Participating Florida Subdivisions As Released By The Attorney General Pursuant To Settlement was served on all counsel of record via the CM/ECF system.

/s/ Robert A. Nicholas

Robert A. Nicholas